

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-02-0519 KJM DAD

vs.

ESEQUIEL QUESADA-GARCIA

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B).

On November 15, 2011, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Movant has filed objections to the findings and recommendations. Respondent has filed a response to movant's objections and movant thereafter filed supplemental objections.¹

¹ Movant's supplemental objections challenge for the first time the magistrate judge's findings and recommendations with respect to two claims; nevertheless, out of an abundance of caution, the court has considered the untimely objections.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the file,
3 the court finds the findings and recommendations to be supported by the record and by the
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:


6 1. The findings and recommendations filed November 15, 2011, are adopted in
7 full.

8 2. The motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 is
9 denied.

10 3. The court declines to issue the certificate of appealability referenced in 28
11 U.S.C. § 2253.

12 4. The Clerk of the Court is directed to close the companion civil case, No. CIV
13 S-08-1805 KJM DAD P.

14 DATED: March 19, 2012.

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16 UNITED STATES DISTRICT JUDGE

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